

IN THE UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF TEXAS
SAN ANTONIO DIVISION

LA UNIÓN DEL PUEBLO ENTERO, *et al.*,

§

Plaintiffs,

§

v.

§

STATE OF TEXAS, *et al.*,

§

Case No. 5:21-cv-00844-XR
[Lead Case]

Defendants.

§

HARRIS COUNTY REPUBLICAN PARTY, *et*
al.,

§

§

§

Intervenor-Defendants.

**LUPE PLAINTIFFS' MOTION FOR ENLARGEMENT OF TIME TO FILE MOTION TO
COMPEL PRODUCTION OF DOCUMENTS AND TO COMPEL TESTIMONY OF
DEFENDANT INTERVENOR HARRIS COUNTY REPUBLICAN PARTY**

Plaintiffs La Union del Pueblo Entero, *et al.* ("Plaintiffs")¹ move the Court for an enlargement of time to file *nunc pro tunc* their Motion to Compel Production of Documents and to Compel Testimony of Defendant Intervenor Harris County Republican Party. For the reasons set forth below, Plaintiffs request that the Court accept, two hours after the deadline, their Motion to Compel Production of Documents and to Compel Testimony of Defendant Intervenor Harris County Republican Party.

¹ Plaintiffs are La Union del Pueblo Entero, Friendship-West Baptist Church, Southwest Voter Registration Education Project, Texas Impact, Mexican American Bar Association of Texas, Anti-Defamation League Austin, Southwest, and Texoma, Texas Hispanics Organized for Political Education, Jolt Action, William C. Velasquez Institute , FIEL Houston Inc., and James Lewin.

1. The deadline for discovery by or upon Defendant Intervenors on matters related to the primary election was March 3, 2023. *See* January 28, 2023, Text Order Granting [514] Motion for Extension of Time to Complete Discovery.
2. On February 27 and February 28, 2023, pursuant to agreement of the parties, Plaintiffs took the depositions of witnesses associated with Defendant Intervenor Harris County Republican Party.
3. At the conclusion of those depositions, and having determined that Plaintiffs would need to move to compel discovery from Defendant Intervenor Harris County Republican Party, Plaintiffs ordered expedited, rough deposition transcripts from the court reporter.
4. Plaintiffs received the rough deposition transcript of witness Alan Vera, Chairman of the Harris County Republican Party Ballot Security Committee, from the court reporter at mid-day on March 2, 2023. Plaintiffs have not yet received the rough deposition transcript of the designated representative of the Harris County Republican Party, Ms. Cindy Siegel.
5. Plaintiffs were unable to file their Motion to Compel prior to the March 3 midnight deadline due to the time constraints of having to incorporate citations to the recently-delivered deposition of Mr. Vera into their Motion to Compel. Although Plaintiffs waited until the close of business on March 3, 2023 for the rough deposition transcript of Ms. Cindy Siegel, Plaintiffs have not yet received it.
6. Plaintiffs filed their Motion to Compel Production of Documents and to Compel Testimony of Defendant Intervenor Harris County Republican Party at 1:48 a.m. on March 4, 2023.

7. The circumstances surrounding Plaintiffs' less than two hour delay in filing support granting the extension, including Plaintiffs' "good faith and the absence of any danger of prejudice to [other parties] or of disruption to efficient judicial administration posed by the late filings." *Pioneer Inv. Services Co. v. Brunswick Associates Ltd. P'ship*, 507 U.S. 380, 397 (1993).
8. Defendant Intervenors are not prejudiced by the delayed filing of Plaintiffs' Motion to Compel. Furthermore, Plaintiffs' delay in filing did not disrupt the Court's schedule.
9. Given the short and excusable delay in filing, and lack of prejudice to the other parties in this matter, Plaintiffs respectfully request that the Court grant an extension of time for the filing *nunc pro tunc* of Plaintiffs' Motion to Compel.

CONCLUSION

For the reasons stated above, Plaintiffs respectfully request the Court grant their motion for extension of time to file *nunc pro tunc*.

Dated: March 4, 2023

Respectfully Submitted,

/s/ Nina Perales

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CERTIFICATE OF SERVICE

The undersigned counsel hereby certifies that she has electronically submitted a true and correct copy of the above and foregoing via the Court's electronic filing system on the 4th day of March 2023.

/s/ Nina Perales _____
Nina Perales

CERTIFICATE OF CONFERENCE

Due to the late hour of filing, the undersigned counsel was unable to confer with counsel for the other parties in the case on the relief sought in this motion.

/s/ Nina Perales _____
Nina Perales